



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 329

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The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

AN ACT relating to retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔ Section 1. KRS 16.578 is amended to read as follows:

2 (1) If a member dies prior to **the first day of the month in which the member would**
 3 **have received his or her first** retirement **allowance**~~[or before the first benefit~~
 4 ~~payment has been issued by the State Treasurer]~~, the member's beneficiary shall be
 5 eligible for the benefits provided by this section if the member had on file a written
 6 designation of a beneficiary with the retirement office **as provided by Section 3 of**
 7 **this Act** and the member met the following conditions at the date of his or her
 8 death:

9 (a) The member was eligible to retire under KRS 16.576 or 16.577;

10 (b) The member was in active employment or on authorized leave of absence with
 11 five (5) or more years of service credit and died prior to his or her normal
 12 retirement date; or

13 (c) The member was not in active employment or on authorized leave of absence
 14 with twelve (12) or more years of service credit and died prior to his or her
 15 normal retirement date.

16 (2) If the beneficiary eligible for benefits as provided in subsection (1) of this section is
 17 a single person, then the beneficiary may elect to receive:

18 (a) A monthly benefit payable for the life of the beneficiary that is equal to the
 19 benefit that would have been paid had the member retired immediately prior
 20 to his or her date of death and elected to receive benefits payable under the
 21 survivorship one hundred percent (100%) option as provided in KRS
 22 61.635(2);

23 (b) A monthly benefit payable for the life of the beneficiary under the beneficiary
 24 Social Security adjustment option as provided in KRS 61.635(9) that is the
 25 actuarial equivalent to the amount computed under paragraph (a) of this

1 subsection;

2 (c) A monthly benefit payable for a period of sixty (60) months that is the
3 actuarial equivalent to the amount computed under paragraph (a) of this
4 subsection;

5 (d) A monthly benefit payable for a period of one hundred twenty (120) months
6 that is the actuarial equivalent to the amount computed under paragraph (a) of
7 this subsection;

8 (e) A monthly benefit payable for a period of one hundred twenty (120) months
9 that is equivalent to the benefit the member would have been entitled to
10 receive based on his or her years of service and final compensation at the date
11 of his or her death reduced by the survivorship fifty percent (50%) factor as
12 provided for in KRS 61.635(4), then reduced by fifty percent (50%), and that
13 is the actuarial equivalent to the amount computed under paragraph (a) of this
14 subsection; or

15 (f) The higher of a refund of accumulated contributions and interest as described
16 in KRS 61.625(1) or a one (1) time lump-sum payment which shall be the
17 actuarial equivalent of the amount payable under paragraph (a) of this
18 subsection for a period of sixty (60) months.

19 (3) If the beneficiary eligible for benefits as provided in subsection (1) of this section
20 are multiple beneficiaries or a trust, then the multiple beneficiaries by consensus or
21 the trustee may elect to receive the actuarial equivalent amounts payable under
22 subsection (2)(c), (d), (e), or (f) of this section using the assumption that the
23 beneficiary's age is the same as the member's age.

24 (4) If the beneficiary eligible for benefits as provided in subsection (1) of this section is
25 the member's estate, then the beneficiary shall receive the higher of a refund of
26 accumulated contributions and interest as described in KRS 61.625(1) or the one (1)
27 time lump-sum payment payable under subsection (2)(f) of this section, using the

1 assumption that the beneficiary's age is the same as the member's age.

2 (5) Payments of taxable distributions made pursuant to this section shall be subject to
3 state and federal tax as appropriate.

4 ➔Section 2. KRS 16.642 is amended to read as follows:

5 (1) The board shall be the trustee of the several funds created by KRS 16.505 to 16.652
6 and shall have full power to invest and reinvest such funds, subject to the
7 limitations that no investments shall be made except upon the exercise of bona fide
8 discretion, in securities which, at the time of making the investment, are, by law,
9 permitted for the investment of funds by fiduciaries in this state, except that the
10 board may, at its discretion, purchase common stock in corporations that do not
11 have a record of paying dividends to their stockholders. Subject to such limitations,
12 the board shall have full power to hold, purchase, sell, assign, transfer or dispose of
13 any of the securities or investments in which any of the funds created herein have
14 been invested, as well as of the proceeds of such investments and any moneys
15 belonging to such funds.

16 (2) All securities acquired under authority of KRS 16.505 to 16.652 shall be registered
17 in the name "Kentucky Retirement Systems" or nominee name as provided by KRS
18 286.3-225, and every change in registration, by reason of sale or assignment of such
19 securities shall be accomplished pursuant to written policies adopted by the
20 board~~[by the signatures of the chair of the board of trustees or a trustee appointed~~
21 ~~by the chair and the executive director of the systems].~~

22 (3) The board, in keeping with its responsibility as trustee and wherever feasible, shall
23 give priority to the investment of funds in obligations calculated to improve the
24 industrial development and enhance the economic welfare of the Commonwealth.

25 ➔Section 3. KRS 61.542 is amended to read as follows:

26 (1) Prior to the first day of the month in which the member receives his or her first
27 retirement allowance and prior to the member filing a notification of retirement

1 or a request for refund~~[time the first retirement allowance payment is issued by the~~
 2 ~~State Treasurer]~~:

3 (a) Each member may designate on the form prescribed by the board a principal
 4 beneficiary and contingent beneficiary for his or her account. The principal
 5 beneficiary or contingent beneficiary designated by the member shall be:

6 1. One (1) or more persons~~[as a principal beneficiary or beneficiaries and~~
 7 ~~one (1) or more persons as contingent beneficiary or beneficiaries]; or[~~
 8 ~~each member may designate his]~~

9 2. The member's estate~~[as principal or contingent beneficiary]; or~~

10 3. ~~[each member may designate]~~A trust~~[or trustee as principal or~~
 11 ~~contingent beneficiary].~~

12 (b) If multiple persons are designated as provided by paragraph (a)1. of this
 13 subsection, the member shall indicate the percentage of total benefits each
 14 person is to receive.

15 1. If percentages are not indicated, payments will be disbursed equally to
 16 the named beneficiaries.

17 2. If the percentages indicated do not total one hundred percent (100%),
 18 each beneficiary shall receive an increased or decreased percentage
 19 which is proportional to the percentage allotted him or her by the
 20 member.

21 3[2]. If any of the multiple beneficiaries die prior to the member's death, the
 22 remaining beneficiaries shall be entitled to the deceased beneficiary's
 23 percentage of the total benefits, and each shall receive a percentage of
 24 the deceased's share which is equal to the percentage allotted them by
 25 the member.

26 ~~[3. If any or all multiple beneficiaries die after the first retirement allowance~~
 27 ~~has been issued by the State Treasurer, the deceased beneficiary's estate~~

1 shall receive a lump sum payment which is the actuarial equivalent of
 2 the remaining monthly payments the deceased beneficiary was entitled
 3 to receive.]

4 (c) The principal and contingent beneficiary[This] designation established by
 5 the member pursuant to paragraph (a) of this subsection shall remain in full
 6 force and effect until changed by the member, except:

- 7 1. A final divorce decree terminates an ex-spouse's status as beneficiary,
 8 unless the member has on file in the retirement office a beneficiary
 9 designation that redesignates the ex-spouse as beneficiary subsequent to
 10 the issuance of the divorce decree.
- 11 2. If a beneficiary or beneficiaries are convicted of any crime which
 12 prohibits that person or persons from receiving the benefits under KRS
 13 381.280, the beneficiary or beneficiaries shall not be eligible for any of
 14 the benefits and the remaining beneficiary or beneficiaries or, if none,
 15 the member's estate, shall become the beneficiary.
- 16 3. When a notification of retirement has been filed at the retirement office,
 17 the designation of beneficiary on the notification of retirement, which
 18 shall be one (1) person, his estate, or a trust[or trustee], shall supersede
 19 the designation of all previous beneficiaries, unless[except that if] the
 20 notification of retirement is withdrawn, invalid, or voided. If the
 21 notification of retirement is withdrawn, invalid, or voided, the prior
 22 beneficiary designation on file with the system shall remain in full force
 23 and effect until changed by the member.
- 24 4. When a request for refund has been filed at the retirement office, the
 25 member's estate shall become the member's beneficiary if the member
 26 dies.

27 (2) If the member dies prior to the first day of the month in which the member would

1 have received his or her first retirement allowance and prior to filing a notification
 2 of retirement or a request for refund, any retirement benefits shall be payable to the
 3 principal beneficiary, except that:

4 (a) If the death of the principal beneficiary or beneficiaries precedes the death of
 5 the member, or if the principal beneficiary is terminated by a divorce decree,
 6 the contingent beneficiary or beneficiaries become the principal beneficiary or
 7 beneficiaries.

8 (b) If the principal beneficiary is~~the~~ one (1) person and~~who~~ is the member's
 9 spouse and they are divorced on the date of the member's death, the contingent
 10 beneficiary or beneficiaries become the principal beneficiary or beneficiaries.

11 (c) If the member is survived by his principal beneficiary or beneficiaries who
 12 subsequently die prior to having on file at the retirement office the necessary
 13 forms prescribed under authority of KRS 61.590, the contingent beneficiary
 14 shall become the principal beneficiary or beneficiaries.

15 (d) If the deaths of all the principal beneficiaries and all of the contingent
 16 beneficiaries precede the death of the member, the estate of the member
 17 becomes the beneficiary.

18 (3) Prior to the first day of the month in which the member would have received his
 19 or her first retirement allowance~~member's retirement~~, a monthly benefit payable
 20 for life shall not be offered if the beneficiary designated under subsection (1) of
 21 this section is more than one (1) person, the member's estate, or a trust~~or trustee~~.

22 (4) When a notification of retirement has been filed at the retirement office:

23 (a) The designation of beneficiary on the notification of retirement shall
 24 supersede the designation of all previous beneficiaries.

25 (b) The beneficiary designated by the member on the member's notification of
 26 retirement shall be one (1) person, the member's estate, or a trust~~or trustee~~.

27 (c) If the death of the beneficiary named on the notification of retirement precedes

1 the first day of the month in which the member receives his or her first
 2 retirement allowance~~[date the first benefit payment has been issued by the~~
 3 State Treasurer], the member may designate another beneficiary on the
 4 member's notification of retirement.

5 (5) After the first day of the month in which the member receives his or her first
 6 retirement allowance~~[retirement allowance payment is issued by the State~~
 7 Treasurer] and subsequent thereto, a member shall not have the right to change his
 8 beneficiary, except that:

9 (a) The estate of the retired member becomes the beneficiary if the date of death
 10 of the beneficiary precedes or coincides with the date of death of the retired
 11 member.

12 (b) The estate of the retired member becomes the beneficiary if the retired
 13 member had designated a person as beneficiary who was the spouse or who
 14 later married the member and they were divorced on the date of the retired
 15 member's death. An ex-spouse who was the named beneficiary on the
 16 member's notification of retirement shall be reinstated as the member's
 17 beneficiary for the payment options provided by KRS 61.635(2), (3), (4), and
 18 (8)(b) if they are remarried to each other as of the date of the retired member's
 19 death.

20 (c) The estate of the member shall not receive monthly payments if the member
 21 selected one (1) of the payment options provided by KRS 61.635(2), (3), (4),
 22 and (8)(b).

23 ➔Section 4. KRS 61.590 is amended to read as follows:

24 (1) A member or beneficiary eligible to receive retirement benefits under any of the
 25 provisions of KRS 61.510 to 61.705, 78.510 to 78.852, and 16.510 to 16.652 shall
 26 have on file at the retirement office on the form prescribed by the board, notification
 27 of retirement, giving his name, address, Social Security number, last day of

1 employment, and other information the system may require. The form entitled
 2 "Notification of Retirement" shall not be filed more than six (6) months before the
 3 member's effective retirement date.

4 (2) Within ten (10) days of the receipt of the form entitled "Notification of Retirement"
 5 submitted within two (2) months of the effective date of retirement, the system shall
 6 cause to be prepared an estimate of the amounts the member or beneficiary may
 7 expect to receive under the various plans available to the member or beneficiary.
 8 This information shall be recorded on a form entitled "Estimated Retirement
 9 Allowance" and forwarded to the member or beneficiary. If the member submits a
 10 form entitled "Notification of Retirement" more than two (2) months prior to the
 11 effective retirement date, the system shall provide the form entitled "Estimated
 12 Retirement Allowance" within forty-five (45) days of the member's effective
 13 retirement date.

14 (3) The member or beneficiary shall file at the retirement office the form entitled
 15 "Estimated Retirement Allowance" after he has checked the payment option of his
 16 choice, signed the document and had his signature witnessed. A member ~~shall~~
 17 ~~beneficiary may~~ not have the right to select a different payment option after the
 18 first day of the month in which the member receives his or her first retirement
 19 allowance or after the effective date of a deferred retirement option as provided by
 20 subsection (6) of this section ~~[payment has been issued by the State Treasurer]. A~~
 21 beneficiary shall not have the right to select a different payment option after the
 22 effective date of the beneficiary's retirement allowance as provided in subsection
 23 (7) of this section.

24 (4) A member or beneficiary choosing a monthly payment option shall have on file at
 25 the retirement office his birth certificate or other acceptable evidence of date of
 26 birth. If a survivorship option is chosen, proof of dates of birth of the beneficiary
 27 and member shall be on file at the retirement office.

- 1 (5) (a) The effective date of normal retirement shall be the first month following the
2 month in which employment was terminated from a regular full-time position.
- 3 (b) The effective date of disability retirement shall be the first month following
4 the month in which the member's last day of paid employment in a regular
5 full-time position occurred, provided the member files the form entitled
6 "Estimated Retirement Allowance" no later than six (6) months following the
7 date the notification of approval for disability retirement benefits is mailed. If
8 the member fails to file the form entitled "Estimated Retirement Allowance"
9 within six (6) months of the date the notification of approval for disability
10 retirement benefits is mailed, then the member's form entitled "Notification of
11 Retirement" shall be void. The member shall be required to submit a new
12 form entitled "Notification of Retirement" to apply for disability retirement
13 and reestablish eligibility for disability retirement benefits.
- 14 (c) The effective date of early retirement shall be the first month following the
15 month the form entitled "Notification of Retirement" is filed at the retirement
16 office or a future month designated by the member, if employment in a regular
17 full-time position has been terminated and if the member files the form
18 entitled "Estimated Retirement Allowance" no later than six (6) months
19 following termination. If the member fails to file the form entitled "Estimated
20 Retirement Allowance" within six (6) months following the effective
21 retirement date of the member, then the member's form entitled "Notification
22 of Retirement" shall be void and the member shall be required to submit a
23 new form entitled "Notification of Retirement" to apply for early retirement.
- 24 (6) The effective date of a deferred retirement option as provided under KRS 16.576(5)
25 shall be the month following age sixty-five (65), or the month following written
26 notification from the member that he wishes to begin receiving retirement
27 payments. In the event of the death of a member who has deferred his retirement

allowance, the effective date of retirement shall be the month following the member's death.

- (7) Notwithstanding the provisions of KRS 16.578 or 61.640, the effective date of a beneficiary's retirement allowance under normal, early, or disability retirement shall be as prescribed in subsection (5) or (6) of this section if the member dies before the first day of the month in which the member would have received his or her first retirement allowance~~[has been issued by the State Treasurer]~~ and his beneficiary becomes eligible for payments under KRS 16.578 or 61.640.

→ Section 5. KRS 61.630 is amended to read as follows:

- (1) If a retired member who did not elect an optional retirement plan dies at any time on or after the first day of the month in which the member received or would have received his or her first retirement allowance but before receiving total retirement allowances provided in KRS 16.510 to 16.652, KRS 61.515 to 61.705, and KRS 78.520 to 78.852 at least equal to his accumulated contributions as of the date of his retirement, the difference between the accumulated contributions and the total allowances shall be payable in a lump sum to the properly designated beneficiary. If a living person designated as the beneficiary predeceases the retired member, the estate shall become the beneficiary. If a spouse designated as the beneficiary is divorced from the retired member as of the member's death, the estate shall become the beneficiary.
- (2) If a retired member who elected an optional retirement plan and his beneficiary both die at any time on or after the first day of the month in which the member received or would have received his or her first retirement allowance~~[of the member]~~ but before receiving total retirement allowances provided in KRS 16.510 to 16.652, KRS 61.515 to 61.705, and KRS 78.520 to 78.852 at least equal to the retired member's accumulated contributions as of the date of his retirement, the difference between the accumulated contributions and the total allowances shall be payable in

1 a lump sum to the estate of the last deceased, except that the retired member's estate
 2 shall receive the payment if the beneficiary was the spouse and they were divorced
 3 as of the date of the member's death. If the retired member and beneficiary die
 4 simultaneously, the estate of the retired member shall become the beneficiary.

5 (3) If a beneficiary receiving a lifetime retirement allowance under KRS 16.578 or
 6 61.640 dies before receiving total retirement allowances provided in KRS 16.510 to
 7 16.652, KRS 61.515 to 61.705, and KRS 78.520 to 78.852 at least equal to the
 8 member's accumulated contributions as of the date of the member's death, the
 9 difference between the accumulated contributions and the total allowances shall be
 10 payable in a lump sum to the estate of the beneficiary.

11 (4) If a beneficiary receiving a retirement allowance for sixty (60) or one hundred
 12 twenty (120) months certain under KRS 16.576, 16.578, or 61.640, or a beneficiary
 13 receiving a retirement allowance under KRS 61.635(5), (6), or (7), dies before
 14 receiving all payments under the plan, the executor or administrator of his estate
 15 shall receive a lump sum payment which shall be the actuarial equivalent to the
 16 remaining payments.

17 (5) If the system is unable to verify a recipient's whereabouts or whether the recipient is
 18 living, the system shall suspend the recipient's retirement allowance. If the recipient
 19 is located, the system shall restore to the recipient all suspended retirement
 20 allowances.

21 ➔Section 6. KRS 61.640 is amended to read as follows:

22 (1) If a member dies prior to the first day of the month in which the member would
 23 have received his or her first retirement allowance~~[or before the first benefit~~
 24 ~~payment has been issued by the State Treasurer]~~, the member's beneficiary shall be
 25 eligible for the benefits provided by this section if the member had on file a written
 26 designation of a beneficiary with the retirement office as provided by Section 3 of
 27 this Act and the member met the following conditions at the date of his or her

1 death:

2 (a) The member was eligible to retire under KRS 61.559(2) or (3);

3 (b) The member was in active employment or on authorized leave of absence with
4 five (5) or more years of service credit and died prior to his or her normal
5 retirement date or was normal retirement age or older and had at least four (4)
6 years of service credit; or

7 (c) The member was not in active employment or on authorized leave of absence
8 with twelve (12) or more years of service credit and died prior to his or her
9 normal retirement date.

10 (2) If the beneficiary eligible for benefits as provided in subsection (1) of this section is
11 a single person, then the beneficiary may elect to receive:

12 (a) A monthly benefit payable for the life of the beneficiary that is equal to the
13 benefit that would have been paid had the member retired immediately prior
14 to his or her date of death and elected to receive benefits payable under the
15 survivorship one hundred percent (100%) option as provided in KRS
16 61.635(2);

17 (b) A monthly benefit payable for the life of the beneficiary under the beneficiary
18 Social Security adjustment option as provided in KRS 61.635(9) that is the
19 actuarial equivalent to the amount computed under paragraph (a) of this
20 subsection;

21 (c) A monthly benefit payable for a period of sixty (60) months that is the
22 actuarial equivalent to the amount computed under paragraph (a) of this
23 subsection;

24 (d) A monthly benefit payable for a period of one hundred twenty (120) months
25 that is the actuarial equivalent to the amount computed under paragraph (a) of
26 this subsection;

27 (e) A monthly benefit payable for a period of one hundred twenty (120) months

1 that is equivalent to the benefit the member would have been entitled to
 2 receive based on his or her years of service and final compensation at the date
 3 of his or her death reduced by the survivorship fifty percent (50%) factor as
 4 provided for in KRS 61.635(4), then reduced by fifty percent (50%), and that
 5 is the actuarial equivalent to the amount computed under paragraph (a) of this
 6 subsection; or

7 (f) The higher of a refund of accumulated contributions and interest as described
 8 in KRS 61.625(1) or one (1) time lump-sum payment which shall be the
 9 actuarial equivalent of the amount payable under paragraph (a) of this
 10 subsection for a period of sixty (60) months.

11 (3) If the beneficiary eligible for benefits as provided by subsection (1) of this section
 12 are multiple beneficiaries or a trust, then the multiple beneficiaries by consensus or
 13 the trustee may elect to receive the actuarial equivalent amounts payable under
 14 subsection (2)(c), (d), (e), or (f) of this section using the assumption that the
 15 beneficiary's age is the same as the member's age.

16 (4) If the beneficiary eligible for benefits as provided in subsection (1) of this section is
 17 the member's estate, then the beneficiary shall receive the higher of a refund of
 18 accumulated contributions and interest as described in KRS 61.625(1) or the one (1)
 19 time lump-sum payment payable under subsection (2)(f) of this section, using the
 20 assumption that the beneficiary's age is the same as the member's age.

21 (5) Payments of taxable distributions made pursuant to this section shall be subject to
 22 state and federal income tax as appropriate.

23 ➔Section 7. KRS 61.650 is amended to read as follows:

24 (1) (a) The board shall be the trustee of the several funds created by KRS 16.510,
 25 61.515, 61.701, and 78.520, notwithstanding the provisions of any other
 26 statute to the contrary, and shall have exclusive power to invest and reinvest
 27 such funds in accordance with federal law.

1 (b) The board may establish an investment committee whose members shall be
 2 appointed by the board chair. The investment committee shall have authority
 3 to implement the investment policies adopted by the board~~[policy]~~ and act on
 4 behalf of the board on all investment-related matters and~~[with full power]~~ to
 5 acquire, sell, safeguard, monitor, and manage the assets and securities of the
 6 several funds.

7 (c) A trustee, officer, employee, or other fiduciary shall discharge duties with
 8 respect to the retirement system:

- 9 1. Solely in the interest of the members and beneficiaries;
- 10 2. For the exclusive purpose of providing benefits to members and
 11 beneficiaries and paying reasonable expenses of administering the
 12 system;
- 13 3. With the care, skill, and caution under the circumstances then prevailing
 14 that a prudent person acting in a like capacity and familiar with those
 15 matters would use in the conduct of an activity of like character and
 16 purpose;
- 17 4. Impartially, taking into account any differing interests of members and
 18 beneficiaries;
- 19 5. Incurring any costs that are appropriate and reasonable; and
- 20 6. In accordance with a good-faith interpretation of the law governing the
 21 retirement system.

22 (2) All securities acquired under authority of KRS 61.510 to 61.705 shall be registered
 23 in the name "Kentucky Retirement Systems" or nominee name as provided by KRS
 24 286.3-225 and every change in registration, by reason of sale or assignment of such
 25 securities, shall be accomplished pursuant to written policies adopted by the
 26 board~~[by the signatures of the chair of the board of trustees or a trustee appointed~~
 27 ~~by the chair and the executive director of the systems]~~.

1 (3) The board, in keeping with its responsibility as trustee and wherever consistent with
 2 its fiduciary responsibilities, shall give priority to the investment of funds in
 3 obligation calculated to improve the industrial development and enhance the
 4 economic welfare of the Commonwealth.

5 (4) The contents of real estate appraisals, engineering or feasibility estimates, and
 6 evaluations made by or for the system relative to the acquisition or disposition of
 7 property, until such time as all of the property has been acquired or sold, shall be
 8 excluded from the application of KRS 61.870 to 61.884 and shall be subject to
 9 inspection only upon order of a court of competent jurisdiction.

10 ➔Section 8. KRS 61.675 is amended to read as follows:

11 (1) The employer shall prepare the records and, from time to time, shall furnish the
 12 information the system may require in the discharge of its duties. Upon employment
 13 of an employee, the employer shall inform him of his duties and obligations in
 14 connection with the system as a condition of employment.

15 (2) The system may at any time conduct an audit of the employer in order to determine
 16 if the employer is complying with the provisions of KRS 16.505 to 16.652, 61.610
 17 to 61.705, or 78.510 to 78.852. The system shall have access to and may examine
 18 all books, accounts, reports, correspondence files, and records of any employer.
 19 Every employer, employee, or agency reporting official of a department or county,
 20 as defined in KRS 78.510(3), having records in his possession or under his control,
 21 shall permit access to and examination of the records upon the request of the
 22 system.

23 (3) (a) Any agency participating in the Kentucky Employees Retirement System
 24 which is not an integral part of the executive branch of state government shall
 25 file the following at the retirement office on or before the tenth day of the
 26 month following the period being reported:

27 1. The employer and employee contributions required under KRS 61.560, {

1 ~~and~~ 61.565, and 61.702; ~~[and]~~

2 2. The employer contributions and reimbursements for retiree health
3 insurance premiums required under KRS 61.637; and

4 3. A record of all contributions to the system on the forms prescribed by
5 the board.

6 (b) If the agency fails to file all contributions and reports on or before the tenth
7 day of the month following the period being reported, interest on the
8 delinquent contributions at the actuarial rate adopted by the board
9 compounded annually, but not less than one thousand dollars (\$1,000), shall
10 be added to the amount due the system.

11 ➔Section 9. KRS 78.625 is amended to read as follows:

12 (1) The agency reporting official of the county shall ~~[, by the tenth day of each month,]~~
13 file the following at the retirement office on or before the tenth day of the month
14 following the period being reported:

15 (a) The employee and employer ~~[an amount equal to the aggregate amount of the~~
16 ~~employees']~~ contributions required under ~~[deducted during the previous~~
17 ~~month in accordance with]~~ KRS 78.610, ~~[and the aggregate amount of the~~
18 ~~employer's contributions due for the previous month in accordance with KRS]~~
19 61.565, and 61.702;

20 (b) The employer contributions and reimbursements for retiree health
21 insurance premiums required under KRS 61.637; and

22 (c) A record of all contributions to the system on the forms prescribed by the
23 systems.

24 ~~(2) [The agency reporting official or some other person designated by the county shall,~~
25 ~~by the tenth day of each month, file at the retirement office a record of all~~
26 ~~contributions to the system on the forms the board prescribes.~~

27 ~~(3)}~~ (a) If the agency reporting official fails to file at the retirement office all

1 contributions and reports on or before the tenth day of the month following
 2 the period being reported, interest on the delinquent contributions at the
 3 actuarial rate adopted by the board compounded annually, but not less than
 4 one thousand dollars (\$1,000), shall be added to the amount due the system.

5 (b) Delinquent contributions, with interest at the rate adopted by the board
 6 compounded annually, or penalties may be recovered by action in the Franklin
 7 Circuit Court against the county liable or may, at the request of the board, be
 8 deducted from any other moneys payable to the county by any department or
 9 agency of the state.

10 (4) If an agency is delinquent in the payment of contributions due in accordance with
 11 any of the provisions of KRS 78.510 to 78.852, refunds and retirement allowance
 12 payments to members of this agency may be suspended until the delinquent
 13 contributions, with interest at the rate adopted by the board compounded annually,
 14 or penalties have been paid to the system.

15 ➔Section 10. KRS 78.790 is amended to read as follows:

16 (1) The board shall be the trustee of the several funds created by KRS 78.510 to 78.852,
 17 and shall have full power to invest and reinvest such funds subject to the limitations
 18 that no investments shall be made except upon the exercise of bona fide discretion,
 19 in securities which, at the time of making the investment, are, by law, permitted for
 20 the investment of funds by fiduciaries in this state except that the board may, at its
 21 discretion, purchase common stocks in corporations that do not have a record of
 22 paying dividends to their stockholders. Subject to such limitations, the board shall
 23 have full power to hold, purchase, sell, assign, transfer or dispose of any of the
 24 securities or investments in which any of the funds created herein have been
 25 invested, as well as of the proceeds of such investments and any moneys belonging
 26 to such funds.

27 (2) All securities acquired under the authority of KRS 78.510 to 78.852 shall be

1 registered in the name Kentucky Retirement Systems or nominee name as provided
2 by KRS 286.3-225 and every change in registration, by reason of sale or assignment
3 of such securities, shall be accomplished pursuant to written policies adopted by
4 the board~~[by the signatures of the chair of the board of trustees or a trustee~~
5 ~~appointed by the chair and executive director of the systems]~~.

- 6 (3) The board, in keeping with its responsibility as the trustee and wherever feasible,
7 shall give priority to the investment of funds in obligations calculated to improve
8 the industrial development and enhance the economic welfare of the
9 Commonwealth.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date April 26, 2010